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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,494	12/17/2001	Michael J. Diana	3030-69441	2790
7590 11/22/2004 BARNES & THORNBURG 11 South Meridian Street Indianapolis, IN 46204			EXAMINER RIVELL, JOHN A	
			ART UNIT 3753	PAPER NUMBER

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,494

Applicant(s)

DIANA, MICHAEL J.

Examiner

John Rivell

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3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/16/04 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September, 16, 2004 has been entered.

Claims 1-18 have been canceled in favor of newly added claims 19-35 which are pending.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20, 22-24, 28, 28-31, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahmann et al. (German No. DE 198 16 041 cited by applicant) in view of Kiernan (U.S. 3,654,960 cited herein).

The document to Kahmann et al. discloses "a fluid changer (1) including multiple sections (section 10, section 10', section 10''), each section having two opposed walls (for connection/contact with adjacent sections in the assembled state),... each section including a first passageway (12) and a second passageway (14), each section further including a valve (21 or 22) coupled to that section's first passageway (12), each valve (21 or 22) permitting the fluid that flows through that section's first passageway (12) to be provided to that section's second passageway (14) upon actuation of that section's (21 or 22), and out of the fluid changer (10), each section's first passageway (12) adapted to permit the passage of a pig through the first passageway (12 by reason of

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the uniformity of the bore forming passage 12 as illustrated in figures 2 and 3; such uniformity is clearly "adapted to permit the passage of a pig" therethrough)" as recited in claim 19.

Thus the document to Kahmann et al. discloses all the claimed features with the exception of having, in each of the opposed side walls of each section "a relief for receiving a head of a fastener of an adjacent section and an opening for receiving a body of the fastener, the opening intersecting the relief such that accommodation of the head of the fastener in the relief and the body of the fastener in the opening, followed by tightening of the fastener assembling the adjacent sections together".

The patent to Kiernan discloses that it is known in the art to employ, on opposed side walls of a "section" 28 of a manifold unit which along with adjacent connected units 28 form a manifold assembly, "a relief (at 76, 78) for receiving a head of a fastener (94) of an adjacent section and an opening (92) for receiving a body of the fastener, the opening (92) intersecting the relief (76, 78) such that accommodation of the head of the fastener (94) in the relief and the body of the fastener in the opening, followed by tightening of the fastener assembling the adjacent sections together" (as recited in claim 19) for the purpose of permitting assembly or disassembly of individual units to or from the manifold assembly without removal of the entire manifold assembly from the fluid circuit(s) to which the manifold assembly is attached.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in the opposed walls of each section of Kahmann et al. "a relief for receiving a head of a fastener of an adjacent section and an opening for receiving a body of the fastener, the opening intersecting the relief such that accommodation of the head of the fastener in the relief and the body of the fastener in the opening, followed by tightening of the fastener assembling the adjacent sections

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together" for the purpose of permitting assembly or disassembly of individual units to or from the manifold assembly without removal of the entire manifold assembly from the fluid circuit(s) to which the manifold assembly is attached as recognized by Kiernan.

Regarding claim 20 Kahmann et al. further includes "a circuit (shown in fig. 1) for supplying the fluid to a dispensing device (15), each valve (21 or 22) providing the fluid that flows through its respective section's second passageway (14) upon actuation of that section's valve (21 or 22), and out of the fluid changer (10, 10', 10'') to the circuit and the dispensing device (15)" as recited.

Regarding claims 22 and 29, in Kahmann et al., "each section (10, 10' or 10'') comprising a separate module (10 shown in figs. 2-3), the modules being selectively removably connectable together in a desired number to permit the selection of any desired number of fluids in the fluid changer" as recited. Note in fig. 1 for example, three different "modules" 10, 10', 10'' for three different fluids 5, 5, 5.

Regarding claims 23, 24, 26, 30, 31 and 33, the document to Kahmann et al. discloses all the claimed features with the exception of having for "two second passageways, each section further including two valves coupled to that section's first passageway, each valve permitting the fluid that flows through that section's first passageway to be provided to a respective one of that section's second passageways upon actuation of that respective valve, and out of the fluid changer" (claims 23 and 30), "two circuits for supplying the fluids transported through the two second passageways to two dispensing devices, each valve providing the fluid that flows through its respective one of its respective section's second passageways upon actuation of that respective valve, and out of the fluid changer to a respective one of the circuits and to a respective dispensing device" (claims 24 and 31) and "valve means for switching between supplying the fluids transported through the two second passageways to the fluid

dispensing device, the valve means providing the fluid that flows through a selected one of the second passageways to the dispensing device” (claims 26 and 33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to two second passageways, each section further including two valves coupled to that section's first passageway, each valve permitting the fluid that flows through that section's first passageway to be provided to a respective one of that section's second passageways upon actuation of that respective valve, and out of the fluid changer” (claims 23 and 30), “two circuits for supplying the fluids transported through the two second passageways to two fluid dispensing devices, each valve providing the fluid that flows through its respective one of its respective section's second passageways upon actuation of that respective valve, and out of the fluid changer to a respective one of the circuits and to a respective dispensing device” (claims 24 and 31) and “valve means for switching between supplying the fluids transported through the two second passageways to the fluid dispensing device, the valve means providing the fluid that flows through a selected one of the second passageways to the dispensing device” (claims 26 and 33), since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. That is, here the claimed limitations merely relate to the duplication of the “first” second passageway, circuit and valve disclosed in *Kahmann et al.*

Regarding claims 28 and 35, *Kahmann et al.* “the fluid changer comprises a coating material color changer (read as the operator) for selecting among a number of colors (here 3) of coating material to be supplied to an output of the color changer” as recited.

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Claims 21, 25, 27, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahmann et al. in view of Kiernan as applied to claims 19, 20, 22-24, 28, 28-31, 33 and 35 above, further in view of Kock.

The patent to Kahmann et al., as modified above, discloses all the claimed features with the exception of having a "pressure regulator oriented in the circuit between the fluid changer and the dispensing device".

The patent to Kock discloses that it is known in the art to employ a "pressure regulator" at respective valves "DUMP I" or "DUMP II" of figure 1 or single regulator valve "DUMPI, II" of fig. 2 in the fluid circuit "between the fluid changer (MANIFOLD I or MANIFOLD II) and the dispensing device" at "SRPAY GUN" for the purpose of regulating the regulating the fluid pressure supplied to the dispensing device from the fluid changer.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Kahmann et al., as modified, a pressure regulator in the circuit between the fluid changer 10, 10', 10'' and the dispensing device 15 therein for the purpose of regulating the regulating the fluid pressure supplied to the dispensing device from the fluid changer as recognized by Kock.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (703) 308-2599. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (703) 308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Rivell
Primary Examiner
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j.r.